

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Case Number:

10-MJ-278 (JJG)

(1) FELIX MENDEZ

(2) JOSE MANUEL OSORIA MENDEZ

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 2, 2010, in Nobles County, within the State and District of Minnesota, defendants FELIX MENDEZ and JOSE MANUEL OSORIA MENDEZ, by force and violence, and by intimidation, knowingly took from the person and presence of another, approximately \$6629.24 belonging to and in the care, custody, control, management, and possession of the First State Bank Southwest, 103 North Thompson Avenue, Rushmore, Minnesota, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation; in violation of Title 18, United States Code, Section 2113 (a).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

The Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE


Name & Title of Judicial Officer

Signature of Complainant
Glenn Moule
FBI

at

St. Paul, MN

City and State


Signature of Judicial Officer

SCANNED

JUL 19 2010

U.S. DISTRICT COURT ST. PAUL

10-MJ-278 (JJG)

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss. AFFIDAVIT OF GLENN MOULE

I, Glenn Moule, being first duly sworn, state as follows:

I. INTRODUCTION

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI"), United States Department of Justice, and have been so employed for since February 2010. I am currently assigned to the Mankato, Minnesota, resident agency of the FBI.

2. The information contained in this affidavit is based upon my own knowledge as well as information gathered from other law enforcement agents, witness interviews and records obtained from a bank and other entities.

3. I am currently involved in a investigation into a bank robbery that occurred on July 2, 2010, at the First State Bank Southwest ("the Bank"), located at 103 North Thompson Avenue, Rushmore, Minnesota. According to the website operated by the Federal Deposit Insurance Corporation ("FDIC"), the Bank has been insured by the FDIC during all times relevant to this investigation.

II. PURPOSE OF THE AFFIDAVIT

4. This affidavit is made in support of arrest warrants and a criminal complaint charging FELIX MENDEZ ("MENDEZ") and JOSE MANUEL OSORIA MENDEZ ("OSORIA MENDEZ") with a violation of Title 18, United States Code, Section 2113(a), Bank Robbery.

5. The facts and information set forth in this affidavit are based on my personal observations, my training and experience, and as specifically attributed below, information obtained from law enforcement officers, reports, and witnesses. To the extent that any information in the affidavit is not within my personal knowledge, it has been made available to me through reliable law enforcement sources, and I believe such information to be true. This affidavit is made for the sole purpose of demonstrating probable cause for the issuance of the requested complaint and arrest warrants, and does not purport to set forth all of my knowledge of, or investigation into, this matter.

III. FACTS SUPPORTING PROBABLE CAUSE

6. At approximately 5:00 p.m. on Friday, July 2, 2010, I responded to a request for assistance from law enforcement officials in Nobles County, Minnesota, who were investigating a suspected bank robbery at the Bank, located in Rushmore, Minnesota. From my conversations with investigating officers and my subsequent review of reports prepared by investigating officers, I learned the following:

a. At approximately 10:40 a.m. on Friday, July 2, 2010, one of the Bank's tellers looked out a south window of the Bank and noticed a red, two door Mitsubishi Eclipse, with a sunroof, parked on the south side of Bank. The vehicle had been parked facing east on the wrong side of the road. The teller knew that it was a Mitsubishi Eclipse because that is the same type of vehicle that

the teller owns. Approximately one or two minutes later, a Hispanic or light skinned, black male entered the bank through the front door. He was wearing a dark colored hooded sweatshirt, jeans, a ball cap, and dark sunglasses. The hood of the sweatshirt was pulled up over the ball cap. The subject had a dark, narrow beard. He was holding a handgun in his right hand that had a long, narrow barrel. There were three people in the bank at the time - two tellers and a customer. The subject pointed the gun at the teller closest to the door and demanded the money. He threw some plastic shopping bags at the teller. The subject kept the gun pointed at the teller and the customer while the teller emptied his/her cash drawer, including \$500 in "bait bills" into the bag. The teller then held the bag open as the second teller emptied the contents of his/her cash drawer, including \$500 in "bait bills" into the bag. The subject then took the bag from the teller and told everyone to get down. The subject then ran out of the bank through the front door. One of the tellers grabbed the keys to lock the front door. As s/he approached the door, s/he looked out and observed a red, two-door Mitsubishi Eclipse, with tinted windows, heading eastbound at a high rate of speed, through the intersection adjacent to the Bank.

b. Local authorities responded to the Bank and began their investigation by interviewing the tellers and any available witnesses. Local authorities were also dispatched to east/west roads between Rushmore and Worthington. A white plastic Wal-Mart

shopping bag was found behind the teller counter at the bank. A .22 caliber round was found inside the entryway to the Bank. A pair of brown gloves was found on the street that the red Mitsubishi Eclipse traveled down as it left the area. Local authorities secured these items as evidence, as well as the Bank surveillance video.

c. A responding officer from Worthington Police Department that had been dispatched to the east/west roads between Rushmore and Worthington noticed a red Mitsubishi Eclipse traveling east on Fox Farm Road at a high rate of speed. The officer observed the car pull into the driveway at 2535 Fox Farm Road - the residence of MENDEZ. A neighbor had observed the red car pull into the open, single stall garage attached to house. After the car had entered the garage, the garage door was closed. Additional local authorities arrived at the residence. MENDEZ and OSORIA MENDEZ, along with their girlfriends, P.S. and M.L., exited the residence and were taken into custody.

d. Continuing on July 2, 2010, local authorities served a search warrant for the residence at 2535 Fox Farm Road, Worthington, Minnesota, and the red Mitsubishi Eclipse parked inside the garage. Inside the residence, local authorities recovered approximately \$5522.00 in cash, including the "bait bills" from the Bank, two checks from the Bank, and two handguns. One of the handguns was a .22 caliber model.

e. Continuing on July 2, 2010, local authorities showed both tellers a photospread lineup, containing the booking photograph of MENDEZ, as well as 11 other booking photographs. One teller stated that s/he was unable to recall what the robber's face looked like. The other teller identified the booking photograph of MENDEZ, as well as the booking photograph of a subject bearing a close resemblance to MENDEZ, as the person being responsible for the robbery.

f. Also on July 2, 2010, Nobles County Sheriff's Office Investigator Jay Clarke ("Clarke") interviewed OSORIA MENDEZ. Before beginning the interview, Clarke read OSORIA MENDEZ the Nobles County Sheriff's Office Notification of Rights form. After signing the form, stating that he understood his rights, OSORIA MENDEZ provided the following information:

i. OASRIO MENDEZ had driven MENDEZ to Rushmore that morning in the red Mitsubishi Eclipse. MENDEZ had a fake beard drawn on his face, and was wearing a hat and sunglasses. MENDEZ had a handgun.

ii. OSORIA MENDEZ parked the car by the side of the Bank. MENDEZ exited the car and came running back shortly after, holding the gun and a plastic Wal-Mart bag containing cash.

iii. OSORIA MENDEZ drove to MENDEZ's residence and parked the car in the garage. MENDEZ went inside the house and got into the shower. MENDEZ took the bag of money with him inside the house. P.S. and M.L. were home.

iv. Several minutes later, the police arrived at the residence and OSORIA MENDEZ, P.S. and M.L. exited the house. MENDEZ came out several minutes later.

g. Also on July 2, 2010, Clarke interviewed MENDEZ. Before beginning the interview, Clarke read MENDEZ the Nobles County Sheriff's Office Notification of Rights form. After signing the form, stating that he understood his rights, MENDEZ indicated that he was not involved in anything and wanted to wait for his lawyer.

h. Continuing on July 2, 2010, Clarke interviewed P.S. Before beginning the interview, Clarke read P.S. the Nobles County Sheriff's Office Notification of Rights form. After signing the form, stating that she understood her rights, P.S. provided the following information:

i. P.S. owns the red Mitsubishi Eclipse and the house at 2535 Fox Farm Road where MENDEZ lives with her.

ii. The previous night, July 1, 2010, P.S. overheard MENDEZ and OSORIA MENDEZ talking about a robbery.

iii. On the morning of July 2, 2010, MENDEZ left the house dressed in black. OSORIA MENDEZ and MENDEZ took her car with OSORIA MENDEZ driving. MENDEZ called P.S. on their way home and told her to open the garage door. OSORIA MENDEZ was driving the car when they returned home. MENDEZ was in the passenger seat. M.L. closed the garage door after they pulled into the garage. The car smelled like it had been "going fast". MENDEZ got out of the

car and went upstairs. He then came downstairs and got into the shower. The police showed up shortly after and she exited the house with MENDEZ OSORIA and M.L.

i. On July 2, 2010, Clarke interviewed M.L. Before beginning the interview, Clarke read M.L. the Nobles County Sheriff's Office Notification of Rights form. After signing the form, stating that she understood her rights, M.L. provided the following information:

i. MENDEZ had been talking about robbing a bank several months earlier.

ii. On the morning of July 2, 2010, OSORIA MENDEZ and MENDEZ left the house and said they would be right back. They were gone approximately one hour. When they returned, M.L. saw MENDEZ get out of the car, holding a Wal-Mart bag containing money. MENDEZ went inside the house and got into the shower. OSORIA MENDEZ stayed in the garage and tried to put a different "wing" on the car. OSORIA MENDEZ told M.L. that MENDEZ robbed a bank.

IV. CONCLUSION

7. Based upon the above, I believe there is probable cause to believe that on July 2, 2010, FELIX MENDEZ and JOSE MANUEL OSORIA MENDEZ robbed the First State Bank Southwest, located at 103 North Thompson Avenue, Rushmore, Minnesota, in violation of Title 18, United States Code, Section 2113(a), Bank Robbery.

Further your affiant sayeth not.



Glenn Moule
Special Agent
Federal Bureau of Investigation

Subscribed and Sworn to before me
this 16th day of July, 2010.



The Honorable Jeanne J. Graham
United States Magistrate Judge